

## AMHERST PLANNING BOARD

Wednesday, May 31, 2017, 7:00 PM

Town Room, Town Hall

### MINUTES

**PRESENT:** Stephen Schreiber, Chair, Robert Crowner, Michael Birtwistle, Jack Jemsek, Greg Stutsman, Christine Gray-Mullen (7:10 PM) and Maria Chao

**ABSENT:** Richard Roznoy and Pari Riahi

**STAFF:** Christine Brestrup, Planning Director  
Steven McCarthy, Administrative Assistant

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Mr. Schreiber opened the meeting at 7:00 PM.

#### I. MINUTES – March 29, 2017

Mr. Jemsek MOVED to approve the minutes of March 29, 2017. Mr. Crowner seconded. The vote was 6-0-0. The motion passed.

#### II. PUBLIC HEARINGS – PRELIMINARY SUBDIVISION PLANS

##### **SUB 2017-00001, Sunderland Road and 150 Sunderland Road – W.D. Cowls, Inc. & Goat Meadow, LLC**

Request for approval for a 3 lot Preliminary Subdivision Plan (Map 5A-1; Map 5A-27, COM, FPC & RN zoning districts)

##### **SUB 2017-00002, 24, 28, 30, 32 & 56 Cowls Road - W.D. Cowls, Inc.**

Request approval for a 3 lot Preliminary Subdivision Plan (Map 2C-16, 5A-130, 5A-44, 5A-45, 5A-46, COM zoning district)

Mr. Schreiber read the preamble. There were no disclosures. Attorney Tom Reidy of Bacon Wilson presented. On behalf of W.D. Cowls, he requested withdrawal of the two applications without prejudice.

Mr. Crowner MOVED to approve the request to withdraw the applications without prejudice. Mr. Stutsman seconded. The vote was 7-0-0. The motion passed.

#### III. PUBLIC HEARINGS – SITE PLAN REVIEW

##### **SPR2017-00013 – Craig’s Doors, A Home Association, Inc. – 434 North Pleasant Street (Office Trailer behind First Baptist Church)**

Public hearing to request Site Plan Review approval to change the use of the trailer owned by Craig’s Doors; new use to include office space, a resource center, meeting space and storage; no exterior or interior changes proposed (Map 11A, Parcel 29, R-G zoning district)

Mr. Schreiber read the preamble and opened the public hearing. There were no disclosures by Board members.

Jerry Gates, President of Craig’s Doors and the Property Manager of the First Baptist Church, and Rebecca Wilder, the Executive Director of Craig’s Doors, presented the application.

The applicants are not proposing any changes in the site plan except for one sign – the sign on the trailer will remain the same size, but will now say ‘Resource Center’. The management plan is the same, as is the lighting plan. There is no landscaping around trailer – the trailer is situated entirely on bituminous concrete. They will be changing the inside use of the trailer from its current food service use. They will be moving the food service back inside the church, and making the trailer into a resource center and an office for the manager of the shelter. Any items belonging to homeless individuals that are found downtown will be brought to the shelter.

Mr. Schreiber noted that five Board members and Ms. Brestrup were on the site visit that morning.

Ms. Brestrup reported on the site visit. She noted that the resource center will be used year round; the feeding trailer only operated in the winter. The resource center will be used from 8:00 am to 9:30 pm. The feeding trailer had been used primarily in evening. The trailer will have a storage area for personal belongings of homeless people. The office has a bathroom, as does the main part of trailer; the trailer is connected to Town sewer and water. The main bathroom is handicapped-accessible. People will be able to wait in the shelter from 8:00 am until dinner. There will be tables where they can use computers. The storage sheds behind the trailer have been there for a long time – they are used mostly by the church, but partly by the organization that picks up the bottles, etc. in the downtown area. There will be fewer people in the trailer than when they were dining there, but the trailer will have longer hours. During the site visit, there was a pile of clothing/blankets beside the trailer; UMass takes and washes the blankets and sheets for the shelter. The Board noticed the four light poles on the site; two to the north, two to the south. It appeared that the existing lights would adequately light the area around the trailer with wall pack lights for the entries and exits.

Mr. Crowner said that in addition to the bags of clothing there were other pieces of equipment behind the trailer; it looked messy. The site looks fine from the church side, but not so nice from the UMass side.

Mr. Birtwistle asked, “Since the hours are so much longer, would there still be a staff person in the trailer at all times?”

Ms. Wilder said that any time the building is open, there will be a staff member present.

Mr. Stutsman asked why this SPR was sent to the Planning Board in light of the article that passed at last fall’s Special Town Meeting, whereby the Building Commissioner may approve certain minor changes without sending them to the Board.

Ms. Brestrup said that the Building Commissioner felt that this application constituted a significant change in use due to the change in hours, and the change from a feeding trailer to a resource center. In addition, the trailer’s presence on the church property was presented as a temporary situation when it originally went through site plan review.

Mr. Schreiber said that the last time the Board heard about the trailer, it hadn’t been installed yet; now, they have the benefit of seeing real-world conditions. He agreed with Mr. Crowner, and said that the mess behind the trailer abutting the UMass parking lots is like a backyard facing someone else’s front yard. He noted that the trailer was proposed originally as an approximately 3-year temporary situation, potentially only until 2018; he was reluctant to approve a use which will continue what is supposed to be a temporary situation.

Mr. Stutsman noted that the last SPR had a condition that the applicant come back before the Board if there is a change in plan by October 1<sup>st</sup> 2018; he would want a similar condition for this approval.

Mr. Schreiber cautioned that there is no sunset clause; what is approved is approved.

Mr. Crowner concurred that it was not possible to add a sunset clause, but suggested that the Board can ask for a revised landscape plan if the situation hasn’t changed by 2018. Perhaps the applicant could plant some bushes or put a fence behind the property. If the trailer is only there for another year or two, the current situation could suffice, but if it remains there longer than that then the Planning Board should review it again.

Mr. Jemsek said that he often parks near there in the UMass parking lots and does not notice the trailer.

Ms. Gray-Mullen said that there should be a check-in if that is all the Board can do. The site looked very messy, and maybe people around town do notice. It is important that people realize it is the church’s property and not UMass’.

Mr. Schreiber said that the Board hasn’t heard from any abutters, UMass or otherwise.

Ms. Brestrup noted she had heard from someone at UMass who was curious about the project; she had invited them to the meeting, but they were not in attendance.

Mr. Gates took responsibility for the mess behind trailer. The equipment is his and he stores it there, but he agreed he should move it. They originally painted the trailer green, and soon painted the sheds to match. He had no objection to putting in partial screening from the storage units to halfway down the trailer. The sheets outdoors were very temporary – UMass cleans them, and the shelter was waiting for pickup. There is a black cylinder behind the trailer that feeds water. The stainless steel table behind the trailer is used for prepping boxes, but it can be moved. The church will be expanded in the next few years – some of the expansion will be taxable housing. An architect has been hired, and they have set aside \$80,000 for planning and studies. The Freedom Café will come in as well; all profits are used to help women out of prostitution. He said it would likely have to come through a Chapter 40B ZBA application; they had done that in Hadley with Winfield. He noted that both parking lot entrances have signs to alert people that it is the First Baptist Church parking lot.

Mr. Birtwistle felt the future process seems to underline the temporary nature of the trailer. He asked if the function of the trailer would be subsumed by the addition.

Mr. Gates said that if an addition were built off the back of the Church, it would include a full-time shelter, caseworkers, its own kitchen, bathrooms, storage rooms, sleeping areas, etc. They would do away with the trailer at that point.

Mr. Birtwistle asked if the trailer was then a temporary, not permanent, solution.

Mr. Gates said it was temporary, but the timeline is unclear.

Mr. Crowner proposed a condition that the applicant should return to the Board by October 1<sup>st</sup>, 2019, to review a landscape plan if the situation with the trailer has not changed.

Mr. Schreiber asked if it was within the Board's authority to place such a condition.

Ms. Brestrup said it would be possible to say that if trailer is still in existence on October 1<sup>st</sup>, 2019, a landscape plan should be submitted – the plants should then be installed the next June.

Ms. Gray-Mullen suggested setting the target date for the landscape plan for March 2019, and planting to occur that summer. Board members agreed with this suggestion.

Mr. Stutsman MOVED to approve the request for SPR approval, with waivers as requested and conditions as discussed, to state that the plan meets the criteria in Section 11.24 of the Zoning Bylaw, and to close the public hearing. Ms. Gray-Mullen seconded. The vote was 7-0-0.

#### Waivers

- Landscape Plan
- Lighting Plan
- Erosion Control Plan
- Traffic Impact Statement

#### Conditions

1. The applicant shall return to the Board by March 1, 2019, if the trailer is still in place and submit a Landscape Plan for review and approval. Plantings shown on the approved Landscape Plan shall be installed and continually maintained.

## **IV. PLANNING & ZONING**

### **A. Planning for Amherst Town Center**

1. Planning for Forums
2. Review of Outline

The Town Manager has assembled a steering committee to discuss downtown planning forums. The date proposed for the first forum is June 29<sup>th</sup>. So far, the committee consists of the three Zoning Subcommittee members, Select Board members Connie Kruger and Jim Wald, Town Manager Paul Bockelman, Economic Development Director Geoff Kravitz, and Planning Director Christine Brestrup.

Connie Kruger offered to revise the outline for the forum further explaining the 'stations' at the first forum. There was an idea of asking participants to put their favorite spots downtown on a map. There could be a presentation by staff to introduce information about downtown planning and there could be stations set up to focus on a particular topic.

Mr. Birtwistle asked how unaffiliated citizens could participate in the process.

Ms. Brestrup said that the Planning Department intends to make a big outreach effort, including postings in the newspaper, on the website, and flyers to be posted around town. It will be the first of probably three forums. The first one will especially seek to hear voices from all around town.

- B. Public Comment Period
- C. Other

## V. OLD BUSINESS

### A. Tofino Associates LLC – Amherst Hills Subdivision – Three Party Agreement

A draft three-party agreement has been prepared between Greenfield Savings Bank, Tofino Associates, and the Town and presented to the Planning Board. About \$288,000 is needed to finish the roadway for that section of the subdivision, and Greenfield Savings Bank has agreed to hold this amount in escrow. Final comments from Town Counsel are expected soon but he is very busy during Town Meeting season. The Town Counsel has previously reviewed the agreement (in 2013) before the estimate was prepared. All comments on the rest of the agreement were accepted by Tofino and Greenfield Savings Bank. Tofino Associates is now seeking to release four lots which have been contracted to be sold.

Mr. Birtwistle MOVED to release the four lots under consideration, lots 10, 25, 60, and 61. Mr. Crowner seconded. The vote was 6-0-1 (Stutsman abstaining.)

The Certificate of Performance for these four lots was signed by the Board.

- B. Signing of Decisions
- C. Topics not reasonably anticipated 48 hours prior to the meeting  
Ms. Brestrup introduced the list of talking points prepared by the Select Board related to recreational marijuana. There is also a timeline of the process towards retail sales prepared by the Economic Development Director.

## VI. NEW BUSINESS

### A. Planning Board Summer Schedule

Mr. Schreiber will be absent on June 21. Mr. Stutsman will chair for that meeting.

A presentation on a proposal for the Amherst Motel site will be heard by the Planning Board on June 14<sup>th</sup>. A discussion about the downtown planning forum will also be held that evening.

The Planning Board decided not to meet on June 7 or July 5.

- B. Topics not reasonably anticipated 48 hours prior to the meeting

## **VII. TOWN MEETING**

### **A. Signing of Attorney General Forms**

The Planning Board members signed the Attorney General forms attesting that public hearings for zoning amendments passed at Annual Town Meeting were legally held, with notices posted appropriately and sent to all necessary parties in interest. There is a requirement to submit paperwork to the Attorney General within 30 days of the close of Town Meeting stating what zoning amendments were adopted and that all meetings were held in accordance with law,

### **B. Other**

Mr. Schreiber congratulated the Planning Board members for all their great work leading up to Town Meeting and all zoning amendments that were passed as proposed.

## **VIII. FORM A (ANR) SUBDIVISION APPLICATIONS**

The Board endorsed ANR2017-00012 – 67 Aubinwood Road – Attorney John Edwards, applicant

## **IX. UPCOMING ZBA APPLICATIONS** – Mr. McCarthy reported on upcoming ZBA applications, which the Planning Board declined to review.

## **X. UPCOMING SPP/SPR/SUB APPLICATIONS** – Ms. Brestrup reported on upcoming Planning Board applications, including one by Mindi Sahner to authorize the use of a first floor apartment in a mixed-use building on Dickinson Street.

## **XI. PLANNING BOARD COMMITTEE & LIAISON REPORTS**

Pioneer Valley Planning Commission – Jack Jemsek and Christine Gray-Mullen – The PVPC Annual Meeting is on June 15<sup>th</sup> in Easthampton. Tickets are available.

Community Preservation Act Committee – Pari Riahi – No update.

Agricultural Commission – Stephen Schreiber – No update.

Design Review Board – Michael Birtwistle – No update.

Housing and Sheltering Committee – Greg Stutsman – The HSC has been merged with the Amherst Municipal Affordable Housing Trust. Nothing to report. Ms. Brestrup noted that Town Meeting had approved CPA money for staff support for the trust.

Zoning Subcommittee – Rob Crowner, Greg Stutsman and Maria Chao – The schedule is limited before Fall Special Town Meeting deadlines come up. The ZSC is looking to propose a final round of Table 3 footnote changes; they likely will have some action item with regards to recreational marijuana - possibly two articles to provide for recreational marijuana use in some way, probably making a use category that allows it. The ZSC is not at the point where they can do that yet. Otherwise, the ballot language kicks in and there is no chance for local regulation. A second option could be a moratorium to gain time to look into other options. The ZSC won't make a decision until later in summer. A more detailed article will come next year.

Mr. Schreiber said he would like to see action on the 'zero or 10 foot' setback issue – the ZSC can help with that. The biggest problem is that when the calculation of setbacks changed from the furthest projection of the building to the body of building, it became impossible for any architectural features to stick out.

Ms. Brestrup noted that one constituent is concerned with Footnote "a" and that the criteria for granting a modification under Footnote "a" are not clear.

Mr. Crowner said that the ZSC could address that like cluster subdivisions are addressed by Footnote A – the Permit Granting Authority can adjust requirements, but only by certain amount. Footnote A covers lots of dimensions and lots of zones; it is not necessarily the case that it will be equally relevant in all zones. It

might be difficult to come up with the right restriction on modifications; the ZSC hasn't started looking at that. However it is a good idea and would solve a lot of problems.

Mr. Birtwistle said that because the Board had had such good luck with Town Meeting passing footnote revisions, it seemed like time to strike while the iron was hot and go as far as possible with cleaning up bylaw footnote questions.

UTAC (University and Town of Amherst Collaborative) – Greg Stutsman and Christine Gray-Mullen – Nothing to report on economic development. The Housing Subcommittee is meeting next Monday.

Downtown Parking Working Group – Richard Roznoy – There will be a public forum on June 22<sup>nd</sup> to unveil recommendations on parking in the downtown. There will be a regular meeting of the DPWG on Tuesday June 6<sup>th</sup> at 9:30.

Transportation Advisory Committee – Richard Roznoy – No update.

**XII. REPORT OF THE CHAIR**

The Chair congratulated Maria Chao for her article in the Daily Hampshire Gazette, and noted that the most recent edition of Architecture Magazine had a feature on Olympia Place, a project approved by this Board – it is getting a lot of attention.

**XIII. REPORT OF STAFF**

None.

**XIV. ADJOURNMENT**

Meeting was adjourned at 8:29 PM.

Respectfully submitted:                      Approved:

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Steven McCarthy  
Administrative Assistant

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Stephen Schreiber, Chair

DATE: \_\_\_\_\_